

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No. 5845 of 2017 (O&M)

Date of decision: 07.02.2018

Tej Kaur and others

...Appellants

V/s.

Gura Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH.

Present: Mr. Karan Bhardwaj, Advocate for the appellants.

KULDIP SINGH, J. (Oral)

CM-15432-C-2017

This is an application for condonation of delay of 538 days in refiling the present appeal.

For the reasons stated in the application, the same is allowed and the delay of 538 days in refiling the present appeal is condoned.

Application stands disposed of.

RSA No. 5845 of 2017 (O&M)

This is the appeal against the judgment dated 02.11.2015 passed by learned Additional District Judge, Ferozepur affirming the judgment and decree dated 21.01.2015 passed by learned Civil Judge, Junior Division, Ferozepur by which the suit filed by the plaintiffs/respondents was decreed and Gura Singh-plaintiff No.1 was held to be owner of 24 kanals 01 marla of land being one half share in 48 kanals 03 marlas as detailed in the head note of the plaint, being vendee from Charan Kaur plaintiff No. 2 through sale deed dated 15.12.2004. The order dated 10.11.2005 passed by the SDM-Cum-Collector and the consequent

sale deed qua land measuring 12 kanals 11 ½ marla out of the suit land executed by Swaran Singh defendant through attorney Kashmir Singh defendant in favour of Roopwinder Kaur and Balvir Kaur were declared illegal and void having no effect on the rights of the plaintiffs.

I have heard learned counsel for the appellants.

It comes out that in the suit the estate of Sadhu Singh was in dispute. The trial Court, after considering the evidence took the view that Sadhu Singh, father of the plaintiff No. 2 died intestate on 19.03.1977 leaving behind Tej Kaur defendant as his widow and Charan Kaur plaintiff as his daughter being class-1 heirs and mutation of inheritance was sanctioned in favour of Charan Kaur plaintiff having half share in the land measuring 48 kanals 03 marlas. Therefore, Charan Kaur became owner of 24 kanals 01 marla of land being half share. She further transferred the same by sale to Gura Singh vide sale deed dated 15.12.2004. A will dated 19.02.1977 was set up by the defendants which they failed to prove before both the Courts below. The findings of facts have been recorded and the same are duly supported by evidence. As such no question of law is involved. The appeal is dismissed.

(KULDIP SINGH)
JUDGE

07.02.2018

Divyanshi

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No